

AGGRESSIONS OF THE SLAVE POWER.

SPEECH OF HON. HENRY WILSON, OF MASSACHUSETTS, IN REPLY TO HON. JEFFERSON DAVIS.

Delivered in the Senate, January 26, 1860.

Mr. WILSON. Mr. President, during the past seven weeks, these Halls have rung with angry menaces of disunion. Disunion has been predicted, disunion has been threatened, in the event of the triumph of the Republican party in November next. We have sat here coolly, calmly, and listened to those angry and noisy menaces. Yesterday, I gathered up some of these predictions, some of these arguments, some of these threats of disunion, and presented them to the consideration of the Senate. The Senator from Mississippi, [Mr. DAVIS,] with, I thought, something of sensibility, something of feeling, replied to those remarks. I know, sir, that there comes to us, from the loyal and patriotic freemen of the North, the voice of condemnation of the angry menaces which have been made in these Chambers. There come to Senators on the other side of this Chamber the imploring appeals of men who are shivering over the political graves their leaders in these halls are digging for them. Sir, I was glad to see, yesterday, when the declarations of Democratic presses and leaders were presented to their view, a degree of feeling manifested on the other side of the Chamber. Senators are beginning to feel that it is no easy task to look these Democratic menaces of disloyalty to the Union in the face. I take the movement yesterday to be a premonitory symptom of retreat from positions which even the Senator from Mississippi cannot maintain. I say to the Senate and the country, that we shall now witness the retreat of the Democratic leaders from their disloyal and revolutionary positions.

The Senator from Mississippi called upon me to say why I had arraigned gentlemen here for these avowals. He charged it upon the Republican party, that, in 1856, it went off under a sectional banner, on a sectional platform, and under the lead of a sectional candidate; and, in so doing, it seceded from the Union; it adopted practical secession. Now, I have to say to that Senator, that the call for the Republican National Convention, in 1856, was addressed to all men, North and South, who concurred in the sentiments of the Republican fathers, who were opposed to the extension of slavery, and in favor of its prohibition in the Territories of the United States; and that call would have summoned Washington and Jefferson, and the men who founded the Government of the country, into the Convention. Men from the South came to that Convention, and when they returned to their homes they were denounced for their attendance, and one of them banished from his State. That Republican call invited the people who could stand on the doctrine of slavery restriction that came from the pen of Thomas Jefferson in 1784—

a doctrine sanctioned and sustained by the great men of this country for two generations; a doctrine endorsed as constitutional by the Supreme Court of the United States in 1810, 1819, 1828, and in 1840; endorsed as constitutional by the Supreme Court of the State the Senator from Mississippi represents in 1818—I say, sir, that the Republican call summoned all of this class of men in America into its National Convention. The Republican party laid down principles as broad as the Union itself. It embraced the whole country and the interests of the whole country in its policy. It adopted no sectional creed, no sectional platform, no sectional policy, but stood upon the ancient faith of our fathers, and there it stands to-day, upon an impregnable basis, where stood the men who framed the Constitution of the United States and early administered it.

So much, sir, for my right to speak as a Republican, and to rebuke the disunion avowals of men who have adopted a new creed, a new reading of the Constitution, and who threaten to pull down the columns of the Union unless this nation accepts their new creeds and their new constructions of constitutional power. That is it. Let the country understand it. The Republican party stands upon the doctrine of Washington, Jefferson, and the men who framed the Constitution. It stands upon doctrines sanctioned by the highest judicial tribunal of the country in other and better days. The Republican party proposes nothing new, but stands by the old traditional policy. A new school, accepting the creed that came from the brain of Calhoun in 1847, now exists, and we who choose to follow the fathers rather than these new lights are threatened now with the overthrow of the Government if we do not accept their new constitutional constructions. That is the whole of it, and let the country understand it.

The Senator objected to my right to speak, because, in 1851, I attended a social festival in Boston, and made a speech at that festival. Let me say that I stand by that speech here to-day. I do not disavow a word of it. That speech is not full nor complete, and it does not report all I did say; but what is reported I stand by. In that speech I did say, then and there, to the faces of gentlemen, what I have said all my life. I disagree with those gentlemen on several points, and they know, and everybody in my State knows, that I disagree with those gentlemen in regard to their views of the Constitution, of State rights, and of the Union. I never uttered a word or dreamed a dream of hostility to the Union of these States, and I never even allowed myself to put a case of disunion even as a supposition, as a contingency. But, sir, attending that festival, on an invitation, I spoke of the fidelity of Mr. Garrison, and of those that associated with him—men who do not vote, men who hold no offices, men who will accept no offices, men that you may call fanatical, if you please, but men who

in personal character, and in all the relations of private life, have the respect of all who know them. Disagreeing from these gentlemen in regard to their construction of the Constitution, I paid them the tribute of my respect for their zeal, their devotion to what they regarded to be their duty. For an oppressed and hated race these men have devoted years of self-sacrificing toil. I do not agree with them in many of their views—I differ widely from them. I do not think they have always labored wisely, but of their sincere devotion no one can doubt; and I then paid them my humble tribute of respect, and I shall not recall those words, here or elsewhere. Sir, I disagree with the Senator from Mississippi as I do with Garrison in his views of the Constitution and of the Union, but I have often, in public and in private, in my section of the country, borne the sincere tribute of my admiration of his ability, intelligence, and fidelity to his convictions.

The Senator arraigns me for having, in that speech, paid a compliment to the reformers of England, while he says I arraigned England for forcing slavery upon this continent. Why, sir, does not the Senator know that, for nearly two centuries, the party in favor of slavery and the slave trade controlled the Government of England, and shaped her policy, and that, too, against the protests, in later years, of the noblest and best intellects of England? It is not the class of men who planted slavery in America to whom I paid the tribute of my admiration. Nor is it the class of men who are upholding the course of England in India, that I regard to-day as one of the greatest crimes of this nineteenth century: for when I think of the wrongs England has perpetrated in India, I can hardly bear that an Englishman should reproach me or reproach my country with holding any number of men in bondage. But I paid my tribute of respect to that class of men who, during this century, have abolished the slave trade; have given freedom to eight hundred thousand bondmen in the West Indies; who have carried reforms in England that have enlarged the privileges of the people; and who, to-day, are engaged in pressing upon the Government reforms that will enlarge their rights and their privileges. A more devoted class of advocates of human rights the sun, in his course across the heavens, never looked down upon, than have acted in England during the present century. They have carried their reforms against bailstorms of abuse; just such abuse as is now heaped upon us on this side of the water by men who are but repeating the words of English presses and English statesmen—of blind and fanatical conservatism.

The Senator refers to my remarks of yesterday as to the slave power; and the Senator, in this connection, does not seem to understand what I mean by the slave power. I will tell the Senator, and I will try to make him understand what I mean by it. When I speak of the slave power of this Government, I mean the political influence of slavery in the Government of the country. When the Constitution was made, there were about six hundred thousand slaves in this

country. They were not, on an average, worth one hundred dollars apiece. Slavery, as an element of political power, was utterly contemptible. There were in the Constitutional Convention and in the early Government men from South Carolina and Georgia representing slave interests; but the great mass of the men representing the Southern States, especially Virginia, were men opposed to the extension of slavery, opposed to the slave trade, and openly in favor of the policy of emancipation. These six hundred thousand now have increased to four million. Their value, when the Government commenced, was estimated at forty or fifty million dollars, and it has increased to more than two thousand million. Here is a vast material interest. This interest is upheld by State law; and the result is, that men in favor of perpetuating and extending this system of slavery over this continent have obtained the control of the sovereign States of this Union. Why, sir, would Virginia send Washington to these Halls if he was living? Would Virginia send Jefferson here on the avowals he made, avowals such as have never been equalled by any statesman on this continent, against slavery? Would Virginia send Madison, and Patrick Henry, and George Mason, or men who made the declarations they made, into these Chambers now? Would Maryland send Luther Martin? Would she send William Pinkney here now to represent her sentiments? Would North Carolina send Judge Gaston and Judge Iredell—men who have left upon the record of the country their sentiments in favor of the emancipation of the bondman? No, sir. I tell you this slave power has banished from the councils of the nation not only all of that class of men, but nearly all of the old Henry Clay Whigs and the followers of Andrew Jackson, the old national men: and Congress now is made up of the disciples of Mr. Calhoun, of the men who have dethroned Jefferson as the apostle of Democracy, and enthroned Calhoun as their philosopher, guide, and friend.

MR. MASON. Will the Senator allow me to make an inquiry, that I may learn exactly his position? Do I understand the Senator to mean by the slave power, as he expresses it, the representation of the slaves provided for by the Constitution?

MR. WILSON. I will answer the Senator frankly; no, sir, I do not. I will tell the Senator what I do mean. I will try to make myself understood on this point. I mean the influence that results from the holding of four million men as property, valued at two or three thousand million dollars. The holding of it by law, and the desire to extend it and perpetuate it, have developed an element of political power; it is bold, arrogant, aggressive; it governs the States; it governs the Federal Government to-day.

The Senator from Mississippi wanted me to state, and he said he had called for it before, what we considered the aggressions of this slave power. Well, sir, I will endeavor to give the Senator from Mississippi some information upon this point of aggression. He seems to see none. I will state a few of those points; and if the

Senator does not see slavery aggression in those points, then I think he must have come to the conclusion that slavery is imperial, and has the right and the power to do what it pleases in the government of this country. I choose to go back only some twenty-five years. When we framed the Constitution, the people of the free States were not responsible for the existence of slavery in their National capital. You fixed this capital here, on the banks of the Potomac; you accepted the slave laws of Maryland and Virginia; accepted the slave code that existed here; and here, in the National capital, in the eyes of representatives of free men, in the face of representatives of foreign Governments; here, in the capital of this Democratic Republic, slavery and the slave trade existed and flourished; and we, the people of the United States, were all responsible for the existence of slavery and the slave trade in this District. The Federal Government has complete constitutional power in this District to govern it. The people of a portion of the country sent their petitions here, asking Congress to abolish the slave trade and slavery. This constitutional right of petition, this right that is above the Constitution, as Caleb Cushing said on the floor of the House of Representatives—a right won by our ancestors on the battle-fields of the Old World, which they brought with them here—I say this right of petition, for seven years, in these Halls was cloven down; yes, sir, that right was cloven down here on the floor of the Senate and of the House of Representatives. Does not the Senator from Mississippi call that an aggression upon the rights of freemen, to deny their petitions a hearing in the Halls of the Congress of the United States? This right was won after a battle of seven years against that aggressive policy of the slave power.

Then, sir, ex-President Adams presented a petition purporting to come from a few slaves; and a vote of censure was moved upon him, and the Hall of the House of Representatives rang with bitter and fiery denunciations of that venerable statesman for presenting that petition of a few poor slaves to this great nation. During those same days, when the right of petition was cloven down on this floor and in the other Hall, the mails of the United States were examined by postmasters in the Southern States. Those mails were rifled, and in Charleston, South Carolina, they were burned, and the Postmaster General of the United States wrote a letter in which he said he could not approve, but he would not condemn. Was not that an aggression, an outrage? Yes, sir; was it not an aggression and an outrage? Will the Senator answer?

For years, the neutrality laws of the United States, under the expanding influences of this slave power, were openly violated, and then came that question of the annexation of Texas to this Union. While that great question was pending, that was to give to this country three hundred thousand square miles of slave soil, Mr. Calhoun, the leader of the slave interests during his life, insulted the moral and religious senti-

ments of the people of this country, by sending to France, in the face of Europe, a public document avowing that the annexation of Texas was for the purpose of strengthening slavery in the United States. Was not this aggression? Was it not an outrage upon the sentiments of men who believe slavery to be an evil, to be a wrong, that the Secretary of State should send a public document to Europe to notify the Christian and civilized world that the Republic of the United States proposed to annex a foreign nation in order to uphold and perpetuate slavery?

Then, sir, came the Mexican war, the result of that annexation, the predicted result of it; and whatever may have been the cost of life or of treasure of that great contest, the aggressive policy of slavery is responsible for it. When the territories which we acquired from Mexico came to us, the people of the free States wished to preserve them to free labor and free laboring men. The Democracy of the free States, in their Conventions, in their Legislatures, and all their Representatives in these Chambers, with two exceptions, voted for the application of the proviso prohibiting slavery to the Mexican acquisitions; but the slave power, that the Senator from Mississippi cannot comprehend, cannot see, proclaimed that, if the Democracy of the North did not abandon that position, the Democratic party of this country was to be rent asunder and destroyed; and under the iron rule of this slave power, the Democratic leaders throughout the free States changed their principles, abandoned the doctrine of continuing free the Territories of the United States that came to us free. Then, sir, California came here, asking for admission into the Union as a sovereign State. She came here robed in the garments of freedom; but the influence of slavery, the slave power of which we are speaking, in this Chamber, held California here for months, knocking at the doors of the Union for admission. In the hour of their triumph, they gave to Texas fifty or sixty thousand square miles of territory, large enough to make a State like Virginia, and paid her \$10,000,000 to take it; when, according to the words of Mr. Benton, it was but a mere claim, not an established right. General Houston raised the claim to this vast territory; but it was not acknowledged by Mexico, or established by occupation.

Texas had not established that claim, and we gave her fifty or sixty thousand square miles; and we gave her \$10,000,000. That was the settlement. Then came the fugitive slave law. I am not here to deny constitutional provisions; but I take it, if there be a provision in the Constitution of the United States for the rendition of fugitives, the other provisions of that Constitution, in any law that may be made, are to be carried out. There are those who believe that fugitive slave law to be unconstitutional. There are those who believe the time will come when that fugitive slave act of 1850, in its various provisions, will be pronounced unconstitutional by the general judgment of the nation.

Then, sir, came the repeal of the Missouri compromise; and the Senator from Mississippi has made a complaint against us as the violators of

that compromise, and not the men who repealed it. What is the argument? A bargain is made; one part has all the benefits of that bargain; when the hour comes for the other to have its benefits, it is taken from them. And what is the argument of the Senator from Mississippi? It amounts to just this: we made a bargain; he and I make a bargain in regard to a special measure; he wishes to apply it to another matter; I refuse to do it; and then the Senator says, as you refuse to do that, I will break the old bargain. That is the whole it—no more, no less.

Then, sir, following the repeal of the Missouri compromise came the invasion of five thousand Missourians into Kansas. Was not that an aggression? They took the ballot-boxes; they elected a Legislature; they passed a slave code; they established slavery. They passed laws making it a penitentiary offence for a freeman to say that slavery did not exist there. Any Northern man who should say, in that Territory, that slavery did not exist there, was liable to two years in the penitentiary. Was not that an aggression? The same acts provided that any man who was opposed to holding slaves in the Territory of Kansas could not sit upon a jury in a case of that kind. What was done with the men who led in these lawless acts of violence and fraud in the Territory of Kansas? Clark, who murdered Barber, was in office, and has since been appointed to another office, and confirmed by the Senate. Emory, who led the band that murdered Phillips, is now in office in the Territory. Henderson, who had the control of the Delaware frauds, of which so much has been said, has held office in that Territory. Many men engaged in those acts have been upheld in office by the Government.

Then, sir, came the Lecompton Constitution. Was not that an aggression? It came to this Chamber, and, although it was known by every intelligent man in the country that it was not the will of the people of Kansas, it was pressed in these Halls for months. The attempt was made to force that Constitution upon an unwilling people, a protesting people, a people who were imploring you to reject it.

Then, sir, came the English bill, another of those measures of aggression, not only an aggression, but an insult, for it said to Kansas, "You may come into the Union as a slave State, with your present population; but if you decline to come into the Union with your present population as a slave State, you shall not come into the Union until you have ninety-three thousand inhabitants." This was the distinction, a distinction made in that bill, that a State, with its present population, could come into the Union as a slave State, but if it would not come in as a slave State, it should stay out of the Union until it had ninety-three thousand inhabitants. The people of Kansas rejected and spurned your proposition, by ten thousand majority. That is not all. They have held a Convention; they have framed a Constitution; they now ask admission into the Union as a free State; it has gone through all the forms of law; and yet that slave power this day and this hour is manœuvring

to keep Kansas out of the Union this session, under a Constitution of her own making, and I expect to see that aggression triumphant.

Now we have the new constitutional construction of the right of the master to carry his slaves into the Territories, and hold them there as property, under the protection of the Constitution of the United States. This is a new reading, a new doctrine, a doctrine we reject, and it is an aggressive policy. It is intended as a policy of aggression. It is not intended so much for the present as for the future. Why, sir, I find a letter written by the Senator from Alabama, [Mr. CLAY,] in which he refers to these matters, and speaks of the practical importance to the South of maintaining and upholding this doctrine of the right of the master to carry his slaves into a Territory, under the protection of the Federal Constitution, and we have before us this very resolution of the Senator from Mississippi, [Mr. BROWN,] asking the Senate of the United States to pronounce upon this doctrine, and not only to accept the doctrine, but to accept its consequences, and pass a slave code for the government of slavery in all the Territories of the United States.

Sir, a few years ago we had the Ostend manifesto. That was dictated by this influence of slavery. It was a declaration that disgraced the diplomacy of the country in the face of the civilized world, and there is no American that can look the world in the face, and read that manifesto, who will not hang his head.

We have sought the acquisition of Cuba to strengthen slavery. During the last ten years we have had a balance of trade against us in Cuba of one hundred and forty or one hundred and fifty million dollars. We had the offer, five years ago, of a commercial treaty with Spain in regard to the island of Cuba. A proposition was made to Mr. Perry, stating the readiness of the Spanish Government to make commercial treaties with us; and had this Government looked at the interest of the country, instead of seeking the acquisition of that island, which we are told they would not take if it was free, they would have made a commercial treaty by which the material interests of this country would have been cared for. So it is with Mexico; so it is with Central America. The policy of the acquisition of territory for the purpose of planting slavery in it has alienated the affections of the people of this continent south of us towards us. These people now hate us and fear us, and our commercial interests with the nations south of us on this continent are, and have been, sacrificed, because it is the policy of the slave power to acquire territory in which to plant slavery. I charge that this aggressive policy, this expansive policy of the slave power, is sacrificing the material, the manufacturing, the commercial interests of this country.

There is another subject to which I wish to refer. They have a law in South Carolina, or rather a series of laws in that State, by which, when a vessel comes into the harbors of that State, if a colored inhabitant of a Northern State is on board that vessel, he shall be imprisoned,

the writ of *habeas corpus* denied him, and he compelled to pay his own jail fees. In 1843, Massachusetts sent to South Carolina one of the foremost advocates and men of our State. He went to that State to have this law tested in the judicial tribunals of the country; and this law was pronounced by William Wirt to be unconstitutional. This law was pronounced by Judge Johnson, of the Supreme Court of the United States, a son of South Carolina, to be an unconstitutional law. Massachusetts sent one of the first lawyers of the country to test this question in the courts of the country, and he was forcibly expelled from that State; and to add to that indignity, a law was passed, imposing the highest penalties if any person came into that State for the purpose of obstructing this law by any legal process. Does not the Senator from Mississippi regard that as an aggression? Is it not an outrage?

Mr. HAMMOND. I do not feel disposed to interrupt the Senator, or to say anything on that subject; but, on a proper occasion, it will be very easy to show that that is perfectly warranted. We passed a police law in South Carolina for our own personal protection. Certain classes of people came there and interfered with our domestic affairs. Was it an aggression to repel them or put them under surveillance, or do what we pleased with them, while they were there? We did not bring them there. They came voluntarily.

Mr. WILSON. I shall be very glad, Mr. President, to have the Senator from South Carolina, on a fit occasion, endeavor to vindicate the policy of that law. Let me say, however, to that Senator now in passing, that when South Carolina passes laws to protect herself, she has no right to infringe upon the constitutional rights of others. If any persons go into that State and violate her laws, she will punish them. Of that I do not complain; but, sir, what right has South Carolina to pass an act that colored citizens of Massachusetts, when they go into the harbor of Charleston, who are innocent of crime, shall, merely because they happen to be colored men, be taken and imprisoned before they commit any offence?

Mr. HAMMOND. All this grows out of the peculiar differences in the domestic institutions of the North and the South. Different laws must be made, to suit different countries and different systems. Colored people are not citizens in South Carolina. We cannot recognise them either as citizens of South Carolina or citizens of Massachusetts; and the Supreme Court has since decided that they are not citizens of the United States. They are therefore not entitled to the constitutional provision that places the citizens of the different States on an equality within each other's limits. We had reason to believe that it was dangerous to the peace of our community and to our peculiar institutions, to permit them to come there. Let me say again, that all this grows out of what the Senators on the other side do not seem at all to comprehend; that we live under distinctly different social systems, and must have peculiar laws. Without

intending to aggress upon anybody else, or to infringe on the rights of any individual, much less of any State or of any section, we must be allowed to take care of ourselves. That law to which the Senator alludes has been materially modified. It has been ascertained that it was unnecessarily severe, and instead of incarcerating the colored persons in jail, they are now kept under surveillance, perhaps allowed to stay on their vessels; I do not recollect the exact modification, but they are no longer subject to the same impositions they were before. This South Carolina has done voluntarily; and thus South Carolina and all the South would ameliorate the condition of the slaves, if they were let alone. It has been done. They are ameliorating it; and we could go on to a greater degree, if we were let alone.

Mr. WILSON. The Senator says they live under different social systems, and they must have their way of protecting themselves. Well, sir, I am willing that they shall protect themselves; but in protecting themselves, I say they have no right to infringe on the rights of others. What are we to think of a social system that requires this sacrifice of the rights of others?

Mr. CHESNUT. Let me say to the Senator from Massachusetts, that the ground we assume in South Carolina on that point, the ground which has been sustained by the courts, is that every State has a constitutional right to pass such police laws as will protect itself against any trouble. You pass your police laws in New York and in every seaport town in the country; you quarantine vessels; you raise all sorts of barriers of protection against evils which you anticipate. Now, in South Carolina we have the same right, and it has been so decided by the courts, under the rule of police regulations, to protect ourselves against interference with our rights and interests by the Senator from Massachusetts and his people. I put it upon the broad principle that he has no right to claim for a negro from Massachusetts, or for a negro from elsewhere, that he shall become his emissary under the pretended rights guaranteed by the Constitution to the citizens of this country—that he shall insinuate him upon us under any such pretence. We claim that as a right of sovereignty belonging to all free people, the right of self-protection by police regulations and otherwise.

Mr. WILSON. I want to call the attention of the Senators from South Carolina to the precise and exact issue. In Massachusetts, and in several of our States, the colored men are regarded, and ever have been regarded, as citizens. They have all the rights of citizens. They fought the battles of the Revolution. They help to make the laws; they obey the laws. In 1820, South Carolina passed this act. William Wirt, then Attorney General of the United States, pronounced it unconstitutional. At that time, Judge Johnson, of South Carolina, was on the bench of the Supreme Court of the United States, and he pronounced it unconstitutional. Under these circumstances, men were imprisoned, were punished, and some of them sold into slavery. Massachusetts sent a lawyer to South Carolina; to do

what? To take that case before the judicial tribunals to be pronounced upon.

Mr. HAMMOND. If the Senator will allow me to say one word more, I shall have done.

Mr. WILSON. Certainly.

Mr. HAMMOND. It so happens that I was Governor of the State when Mr. Hoar came. I had known him before in Congress, and he had often avowed to me that he was not an abolitionist. He was a pleasant, kind old gentleman, well informed, and I had a sort of friendship for him during the short time that I sat near him in Congress. He came, and sent me his commission under the broad seal of the State of Massachusetts. Knowing that perhaps there might be some violence done, I took care that no violence should be done towards him; and although he was, as you may say, ejected from the State, he was only told the situation and circumstances of affairs, and politely asked, and escorted by some of the first gentlemen of Charleston to the boat. Why did Massachusetts send us a commissioner but for an incendiary purpose? If she wished to try the constitutionality of that law, she could have got lawyers enough in Charleston.

Mr. WILSON. She tried.

Mr. HAMMOND. Well, then, if she could not get a lawyer there, she ought to have known that the state of public feeling was such that sending a commissioner there was an act of aggression; and what right had she to send a commissioner there to produce an abolition excitement in the city of Charleston?

Mr. WILSON. Mr. President, I am very glad of the exposé we have here to-day from South Carolina, in regard to this law—

Mr. HAMMOND. I am not at all aware of the fact that she could not get a lawyer there. I doubt very much whether it is so. She could not have tried all the lawyers. There are lawyers enough now who would do it, and I believe always were.

Mr. WILSON. Mr. President, South Carolina has a law, passed when that Senator was Governor, making it an offence against the law to act as counsel in such a case. I have the law before me.

Mr. HAMMOND. That was after this.

Mr. WILSON. It was.

Mr. HAMMOND. And in consequence of it.

Mr. WILSON. Now, Mr. President, let us understand each other. The Senator from South Carolina [Mr. CHESNUT] says that this excitement in 1844 was owing to the aggressions of Massachusetts on South Carolina. What aggressions?

Mr. CHESNUT. Shall I answer.

Mr. WILSON. Certainly.

Mr. CHESNUT. Why, sir, the aggressions were of the most palpable and continual character, by the people of Massachusetts, by the citizens of Massachusetts, by the abolitionists of Massachusetts. I suppose the new Republican party, under its rebaptismal name, had not appeared; but Garrison, that teacher at whose font the gentleman was baptized in his ideas of liberty—a man whose opinion of the

Constitution of the country is, that it is a league with death and a covenant with hell—that very teacher from whom the gentleman, as appeared from what was read here yesterday, had taken his lessons of patriotism, of devotion to the country and to liberty; that very man, and all his class, had been exciting the people, sending abolition emissaries, distributing abolition documents to us. That was the aggression of the citizens of Massachusetts, which the people of South Carolina had a right to protect themselves against.

Mr. WILSON. Mr. President, the Senator rose for the purpose of telling me what aggressions had been perpetrated upon his own State, and he states no aggression; he has none to state. The people of Massachusetts never made an aggression on the people of South Carolina to this hour, and that Senator cannot put his finger on a solitary one. I defy him to do it. I say here, to-day, to that Senator, that he has not, and the men whom he associates with never have, produced the shadow of evidence that any such attempt was ever made by the citizens of Massachusetts to incite slaves to insurrection in South Carolina, at any time, or on any occasion. Before he makes that declaration again, I ask him to give us one fact, one well-authenticated fact.

But the other Senator from South Carolina [Mr. HAMMOND] complains that we sent this agent, because we might have employed lawyers in Charleston. I say to that Senator, that Massachusetts did endeavor to engage lawyers in Charleston to take this case, but she could not obtain a lawyer in Charleston to test the case; and we sent Mr. Hoar to South Carolina to try the case, and South Carolina would not allow him to take that case into court. She passed a law that one of her most distinguished men on the bench of the Supreme Court pronounced unconstitutional. Massachusetts wished to test it, and sent a lawyer there when she could not obtain one in the State. The one she sent was driven from the State, and then a law was passed making it a penitentiary offence to come there and try that matter again, and making it an offence for a South Carolina lawyer to take a case of the kind.

On the 18th December, 1844, the Legislature of South Carolina passed a law to prevent any person thereafter coming into the State for the purpose, or any attorney or other person in the State, from instituting any proceeding that should test the constitutionality of her law of 1820, which imprisoned and sold into perpetual slavery the free colored persons of the North coming into the State in merchant vessels or otherwise; visiting any such person with the most fearful penalties.

The first section of the law enacted, among other things, that if any person, on his own behalf, or in virtue of any authority from any State, should come within the limits of South Carolina with intent to counteract or hinder the operation of such laws as have been made in relation to slaves or free persons of color, he shall, on conviction, be sentenced to banishment, and to

SUCH FINE AND IMPRISONMENT AS MAY BE DEEMED FITTING BY THE COURT WHICH SHALL HAVE TRIED THE OFFENCE; that is, FOR LIFE, if the court please.

The second section enacts, among other things, that if any person within the State shall accept any commission or authority from any other State, and shall do anything to counteract or hinder the operation of such laws, he shall, on conviction, be sentenced to pay for the first offence a fine not exceeding \$1,000, and be imprisoned not exceeding one year; and for the second offence, he shall be imprisoned for seven years, and pay a like fine, or be banished from the State, in the discretion of the court.

The third section enacts that the Governor shall require any person coming into South Carolina on his own behalf, or for any State, FOR ANY PURPOSE "having relation to the laws or regulations of this State on the subject of slaves or free persons of color," to depart from the limits of the State in forty-eight hours, on pain of banishment from the State, and fine and imprisonment AT THE DISCRETION of the court.

The fourth section enacts, among other things, that a second offence against the third section shall be punished by an imprisonment not less than seven years, and by fine not less than \$1,000, and banishment.

On the same day, the same State enacted a law taking away all benefits, privileges, or rights, under the writ of *habeas corpus*, from "every negro or free person of color who shall enter this State on board any vessel, as a cook, steward, or mariner, or in any other employment on board such vessel."

Sir, they have a law in the State of Virginia authorizing the officers of that State to go on board vessels, and charge the commander five dollars for making the examination. They have an institution in Virginia that her Senator [Mr. MASON] tells us "ennobles the white man and the black man;" but they have got a class in the community, the negroes, who, somehow or other, do not like that kind of nobility, and they try to run away from this ennobling system; and so they try to hide themselves, it is said, on board vessels, and suffer all the inconveniences of a long passage, in order to escape from this system that ennobles them, and then the officers charge five dollars for making the examination; and if a vessel sails out of Baltimore, and passing by the coast of Virginia is prevented by head winds from continuing her journey, a vessel that goes into the harbors of Virginia only to anchor, is visited and charged five dollars.

Mr. MASON. Will the Senator allow me one moment?

Mr. WILSON. Certainly.

Mr. MASON. I have not looked back at my language on the occasion referred to; but I think I am in the habit of using language that is appropriate. I did not, I am certain, use the term "ennoble" in that connection, only because it would have been unmeaning. I presume I said—what I meant to say, and here repeat—that the experience of the Southern States has shown that the condition of African bondage elevates

both races. Now, sir, as to this law, I cannot give the honorable Senator any specific instances, because I have not treasured them up; but the honorable Senator knows enough of the contemporaneous history of the country to know that coasting vessels along the Chesapeake Bay have more than once stolen, secreted, and carried away the slaves of the proprietors upon its shores. It was to prevent that, that the State of Virginia, with full power and a perfect right, passed that police law appointing a set of officers, whose duty it is to examine every coasting vessel, and see that she has not kidnapped any of our slaves; and the fee—I do not know what it is, five dollars probably, or whatever it is—I take it for granted is paid by those whose misfortune subjects them to that surveillance. It is a police law of the State; and whether the State has a right to pass it or not, is a matter which the State will determine for itself and by itself.

Mr. WILSON. A word about the Senator's language. I happened to hear it, and I find it here before me. He said:

"The South had been led to examine the subject because of the abolition agitation; and it is now almost universally believed that the best condition of the African race is the one they are now subjected to in the South, and that it is ennobling to both races, white and black."

Mr. MASON. Will the Senator tell me where he got that report?

Mr. WILSON. I cannot; but it is correct, for I heard it.

Mr. MASON. I will not appeal to any Senator; but I will ask whether it is possible, knowing something of the use of terms, that I could have applied that term to the black race—that it ennobled them?

Mr. CLARK. I desire to say, for one, that I distinctly heard it, and other Senators around me did.

Mr. MASON. Then I will not say that I did not use it; but I think, if I did, I must have been very unfortunate in the use of terms. The meaning was "elevate."

Mr. CLARK. I will say to the Senator that we at the time thought it very singular that the term should be used, and it caused some remark among us.

Mr. MASON. It was a mistake of terms. I do not remember the occasion; but the proper term is "elevate."

Mr. WILSON. Why should a law of that kind be imposed on those who have committed no offence? Why should Virginia not pay her own police officers? Why should their board vessels sailing from Baltimore, who are sent in by stress of weather, and tax them five dollars for making this examination? But the Senator says it is a policy of their own. I believe it to be an unconstitutional act. At any rate, I know it to be, an unjust and unfair one; and I put that act among the other acts of aggression that the people of this country are subjected to by the slave system. No right, no interest, can stand for a moment, when the interests of slavery are involved.

Sir, what are the facts before the country today? Is it not true that men are arrested in many of the Southern States who are travelling

upon their business? that laboring men are arrested, insulted, and punished? that men are banished from their hearths and homes? that laws are being passed to sell colored men into slavery unless they leave their native States? Has not Arkansas passed an act of that character? Has not such an act just been arrested by the veto of the Governor of Missouri? Has not Judge Catron denounced those laws as a proposition to work an oppression and outrage? To-day, in the Southern States of this Union, our mails may be opened. Is a Senator on this side of the Chamber safe in nearly half the States of this Union? I say to you, to-day, what Senators around me will bear witness to, that our franks are not safe in many of the States of this Union. Is not this a violation of the right of free speech, the right of freedom of the press, and a violation of the sanctity of the mails? Are not these aggressions upon the rights of American citizens? Are they not the grossest aggressions—aggressions that would mark any Government on earth where they existed as a despotism?

But, sir, the Senator from Mississippi said, in the course of his remarks, that, when I referred to the passage of a slave code in New Mexico, I said what I could not have known to be the case. I have the letter of the Delegate of that Territory, and it reads:

“At the solicitation of General R. DAVIS, of Mississippi, I now write you, requesting you to draw up a law for the protection of property in slaves in New Mexico, and cause it to be passed by our Legislature.”

Then the request is, that this law, when passed, shall be sent to the Southern newspapers, and sent very quickly to the New York *Herald*. This letter is addressed by the Delegate from New Mexico to the Secretary of that Territory, requesting him to draw up and pass such a law, and this at the request of General R. DAVIS, of Mississippi.

But the Senator from Mississippi suggested that the Northern Democracy, in case we have a contest, will, in the language of General Cushing, “throttle us in our own States. Now, sir, I should like to have an understanding on this subject. I want to know from the Senator from Mississippi, whether, in the event of the happening of the contingency to which certain Senators look, the election of a Republican President, and an attempt is made to go out of the Union, or, rather, following the suggestion of the Senator from North Carolina, to stay here, and hold on to the Capitol, to engage in a bloody struggle, he is authorized to speak for the Democracy of my State, and say they will sustain him and the gentlemen with whom he acts? Have they authorized him to speak for them, and to answer his friends that they will “throttle us where we stand?”

Mr. DAVIS. The Senator asks me a question, and, if he wishes me to answer it now, I will answer it, of course. I suppose he could hardly

have expected any other answer than that which I must necessarily give, that I have no authority to speak for the Democracy of Massachusetts. It seems to be almost a superfluous question. My reference to General Cushing was to an expression which he used in a speech made and published in Massachusetts, and I considered him very good authority for those of whom he spoke.

Mr. WILSON. Mr. President, General Cushing is very good authority for himself at the time he makes a declaration. He came to these halls about twenty-five years ago, and he made the House of Representatives ring with his eloquence against what he was pleased to call the aggressions of the South; and whenever Massachusetts was assailed—and she was assailed then as she is now—he came to her defence. When she was taunted with love of liberty—he said he gloried in it, for anti-slavery was but the synonym for love of liberty. General Cushing has seen fit to change his views, and at the present time he is certainly the greatest agitator we have in New England, making speeches remarkable for their intemperate zeal, writing the most singular letters, some of which I have before me; and I must confess my utter amazement that a gentleman of the very large intelligence of General Cushing should pen letters of such an inflammatory and ridiculous character. This phrase, “throttle us,” is one of his imprudent declarations, which only excite the amusement of the people in Massachusetts.

But, sir, this is not the first time this idea has been thrown out during these debates, that the Democracy of the North will take care of us if such a contest should arise. I should like to know whether the Democratic Senators and Representatives from the North will rise in their places here, and say that, in the event of the election in November next to the Presidency of the Senator from New York, [Mr. SEWARD,] or the Senator from Maine, [Mr. FESSENDEN,] or any other of the Senators about me, or any of the public men who are the accepted leaders of the Republican party, the administration will not be permitted to come into power, and the Union be dissolved? I want to know if those Senators are ready to pledge the support of the Northern Democrats to that policy? If so, I should like to have them put the assurance upon the records of the Senate. Do the Democratic Senators from the North intend to aid those who are now menacing the Union? Sir, if Democratic Senators from the loyal North and West intend to give aid to those who are now menacing the unity of the Republic, if the representatives of the Northern Democracy in these Chambers have given assurances that when the contest comes, if come it must, for the preservation of that Union which makes us one people, they will throttle us in our tracks, let them now put their intentions upon the records of the country. Let them speak for themselves.

